

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Cai *et al.*

Appl. No.: 10/514,427

§ 371 Date: November 16, 2004

For: **Substituted 4-Aryl-4*H*-pyrrolo[2,3-*h*]chromenes and Analogs as Activators of Caspases and Inducers of Apoptosis and the Use Thereof**

Confirmation No.: 4080

Art Unit: 1609

Examiner: Odell, David K.

Atty. Docket: 1735.0770001/RWE/SLE

**Supplemental Response Under 37 C.F.R. § 1.114**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

***Mail Stop RCE***

Sir:

In reply to the Advisory Action dated March 17, 2008, Applicants submit the following additional Remarks.

***Remarks***

Applicants thank the Examiner for pointing out the inadvertent error in the Amendment and Reply filed February 11, 2008, where the Applicants incorrectly stated "[t]he compounds recited in the '586 application have a hydrogen in the 2-position (corresponding to the Z-group in the present claims)." (Amendment and Reply, page 21, lines 9-10). Applicants regret the error.

In the Amendment and Reply, the Applicants also stated that the compounds recited in the '586 application all have a hydrogen group in the 7-position (Amendment and Reply, page 21, lines 10-12) and directed the Examiner's attention to Exhibit A showing unexpected results for the compounds of the present application compared to

those disclosed in the '586 application. Furthermore, the Examiner has stated that the Applicants have successfully overcome the 103(a) rejection, which included a rejection over the '586 application, by a showing of unexpected results. Therefore, the unexpected results shown for the '586 application compared to the present application should overcome the rejection based on nonstatutory obviousness-type double patenting.

Applicants respectfully request that the rejection of the claims be withdrawn.

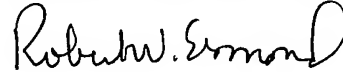
### ***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Supplemental Response is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Robert W. Esmond". The signature is fluid and cursive, with the first name "Robert" and last name "Esmond" clearly distinguishable.

Robert W. Esmond  
Attorney for Applicants  
Registration No. 32,893

Date: April 9, 2008

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